6/6/98

ACT No. IV OF 1898.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 18th February, 1898.*)

An Act to amend the Indian Penal Code.

XLV of 1860.

WHEREAS it is expedient to amend the Indian Penal Code; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Penal Code Amendment Act, 1898; and

(*2*) It shall come into force at once.

XLV of 1860.

Substitution of new section for section 4, Act XLV, 1860.

2. Section 4 of the Indian Penal Code is hereby repealed and the following section is substituted therefor, namely:—

Extension of Code to extra-territorial offences.

"4. The provisions of this Code apply also to any offence committed by—

(*1*) any Native Indian subject of Her Majesty in any place without and beyond British India;

(*2*) any other British subject within the territories of any Native Prince or Chief in India;

(*3*) any servant of the Queen, whether a British subject or not, within the territories of any Native Prince or Chief in India.

Explanation.—In this section the word 'offence' includes every act committed outside British India which, if committed in British India, would be punishable under this Code.

Illustrations.

(*a*) A, a coolie, who is a Native Indian subject, commits a murder in Uganda. He can be tried and convicted of murder

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murder in any place in British India in which he may be found.

(*b*) B, a European British subject, commits a murder in Kashmir. He can be tried and convicted of murder in any place in British India in which he may be found.

(*c*) C, a foreigner who is in the service of the Punjab Government, commits a murder in Jhind. He can be tried and convicted of murder at any place in British India in which he may be found.

(*d*) D, a British subject living in Indore, instigates E to commit a murder in Bombay. D is guilty of abetting murder."

Insertion of new section after section 108, Act XLV, 1860. Abetment in British India of offences outside it.

3. After section 108 of the Indian Penal Code XLV of 1860. the following section shall be added, namely :—

"108A. A person abets an offence within the meaning of this Code who, in British India, abets the commission of any act without and beyond British India which would constitute an offence if committed in British India.

Illustration.

A, in British India, instigates B, a foreigner in Goa, to commit a murder in Goa.—A is guilty of abetting murder."

Substitution of new section for section 124A, Act XLV, 1860. Sedition.

4. Section 124A of the Indian Penal Code is hereby repealed, and the following section is substituted therefor, namely :— XLV of 1860.

"124A. Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, Her Majesty or the Government established by law in British India, shall be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

Explanation 1.—The expression 'disaffection' includes disloyalty and all feelings of enmity.

Explanation 2.—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without

without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

Explanation 3.—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection do not constitute an offence under this section."

XLV of 1860.

5. After section 153 of the Indian Penal Code the following section shall be inserted, namely :— Addition of new section after section 153, Act XLV, 1860.

"153A. Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of Her Majesty's subjects shall be punished with imprisonment which may extend to two years, or with fine, or with both. Promoting enmity between classes.

Explanation.—It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different classes of Her Majesty's subjects."

XLV of 1860.

6. Section 505 of the Indian Penal Code is hereby repealed and the following section is substituted therefor, namely :— Substitution of new section for section 505, Act XLV, 1860.

"505. Whoever makes, publishes or circulates any statement, rumour or report,— Statements conducing to public mischief.

(*a*) with intent to cause, or which is likely to cause, any officer, soldier or sailor in the army or navy of Her Majesty or in the Royal Indian Marine or in the Imperial Service Troops to mutiny or otherwise disregard or fail in his duty as such ; or

(*b*) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against

against the State or against the public tranquillity ; or

(*c*) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community ;

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Exception.—It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid."

* Government of India Central Printing Office.—No. 553 L. D— 15-3-98.—5,500.—E. H.

Indian Penal Code.

XLV of 1860.

5. To section 177 of the Indian Penal Code the following shall be added, namely :— Addition to section 177 of Indian Penal Code.

"*Explanation.*—In section 176 and in this section the word 'offence' includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and the word 'offender' includes any person who is alleged to have been guilty of any such act."

6. To section 203 of the said Code the following shall be added, namely :— Addition to section 203 of same Code.

"*Explanation.*—In sections 201 and 202 and in this section the word 'offence' includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460."

XLV of 1860.

7. In section 212 of the Indian Penal Code, immediately before the *Exception* the following shall be inserted, namely :— Addition to section 212 of same Code.

"'Offence' in this section includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in British India."

8. After section 216 of the said Code the following shall be inserted, namely :— Addition of new sections after section 216 of same Code.

"216A. Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or dacoity, harbours them or Penalty for harbouring robbers or dacoits.

or any of them, with the intention of facilitating the commission of such robbery or dacoity or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

"*Explanation.*—For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without British India.

"*Exception.*—This provision does not extend to the case in which the harbour is by the husband or wife of the offender.

Definition of 'harbour' in sections 212, 216 and 216A.

"216B. In sections 212, 216 and 216A the word 'harbour' includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person in any way to evade apprehension."

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